

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY G. HORTON,)	CASE NO. 1:06 CV 12
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
ELYRIA POLICE, et al.,)	<u>AND ORDER</u>
)	
Defendants.)	

On January 4, 2006, plaintiff pro se Anthony G. Horton filed this in forma pauperis action under 42 U.S.C. § 1983 against Elyria Police, Lorain County Prosecutor's Office, Lorain County Children Services, Leslie Ann Nemenz, Michael Medders, Officer Kirkpatrick, Officer Hammonds, Officer Sword, Officer Adams, Officer Halvorsen, Officer Bermudez, Cheryl Tweedie, D. Jenovich, Dennis P. Will, and Sherry Glass. The complaint alleges police came to Horton's home to serve an arrest warrant on him on May 4, 2004. Thereafter, Elyria policemen said plaintiff had a 40 hour stand-off with him and that he shot Cheryl Tweedie. Charges against plaintiff are pending concerning these incidents, and he maintains he is innocent of any crime. For the reasons stated below, this action is dismissed.

Even liberally construed, the complaint does not set

forth allegations suggesting Horton has a valid federal claim at this time. Federal interference in state criminal proceedings is disfavored, and the only exception to the rule against such interference is when irreparable injury, both great and immediate, to federally protected rights will otherwise occur. Younger v. Harris, 401 U.S. 37 (1971). There is no indication from the complaint that an exception to the rule is warranted in this case.

Accordingly, this action is dismissed. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 2/21/06